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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LIFE TECHNOLOGIES CORP.,

12 Plaintiff,

13 vs.

14 BIOSEARCH TECHNOLOGIES, INC.,

15 Defendant.

CASE NO. 10cv2665-JAH (MDD)

ORDER FOLLOWING
TELEPHONIC EARLY NEUTRAL
EVALUATION CONFERENCE

16 A telephonic Early Neutral Evaluation was held on June 20, 2011. Participating were Ken
17 Keller (counsel for Plaintiff), Cora Schmid (counsel for Plaintiff), Rita Tautkus (counsel for
18 Defendant), Joseph Song (counsel for Defendant). Counsel advised the Court of the status of the
19 case including the potential for settlement and the status of discovery. Based upon the statements
20 of counsel the Court issues the following Order:

21 1. On for before July 25, 2011, the parties shall meet and confer pursuant to Fed.R.Civ.P
22 26(f) as contemplated in Patent L.R. 2.1(b).


23 2. On before August 3, 2011, the parties shall submit a proposed joint discovery plant,
24 including a proposed date for the claim construction hearing. (An estimate regarding the length of
25 the claim construction hearing should also be included.)

26 3. On **August 26, 2011, at 9:30 a.m.** the Court will schedule a Case
27 Management/Settlement Conference. All named parties, all counsel, and any other person(s)
28 whose authority is required to negotiate and enter into settlement shall appear in person at the

1 conference, shall be prepared to discuss the claims and defenses, and shall be legally and factually
2 prepared to discuss and resolve the case at the conference. **Full authority to settle means that**
3 **the individual present at the settlement conference has the unfettered discretion and**
4 **authority to: 1) fully explore settlement options and to agree at that time to any settlement**
5 **options; 2) agree at that time to any settlement terms acceptable to the parties; 3) change the**
6 **settlement position of a party; and 4) negotiate monetary awards without being restricted to**
7 **a specific sum certain**. Settlement briefs are due to chambers on or before August 22, 2011.

8 IT IS SO ORDERED.

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10 DATED: July 11, 2011

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13 Hon. Mitchell D. Dembin
14 U.S. Magistrate Judge
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